

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/603,938
Atty Docket No. Q71242

REMARKS

Claims 1-6, 8, 9 and 11-22 are all the claims pending in the application. Claims 14-22 have been newly added. Claims 7 and 10 have been canceled without prejudice or disclaimer. No new matter has been added.

Specification - Objection

The Examiner objects to the abstract of the disclosure because of the use of legal phraseology. Applicants have amended the abstract to remove the legal phraseology. Therefore, the objection is believed to be overcome.

Claim Rejections - 35 U.S.C. § 112

Claims 3, 5 and 11 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner states that the claims would have proper antecedent bases if they depended from claim 2. Applicants have amended claims 3, 5 and 11 to depend from claim 2. Therefore, the rejection is believed to be overcome.

Claim Rejections 35 U.S.C. § 102

1. Claims 1-7 And 10 In View Of Hoyt (USP 4,732,299).

Claim 1 has been amended to incorporate the subject matter of claim 10 and to set forth that the fluid dispensed by the orifice remains in the dish. Support for this amendment can be found at least at page 8, lines 10-14 of the specification.

Applicants respectfully traverse at least because Hoyt fails to disclose a dispensing orifice formed at the bottom of a concave recovery dish and that fluid is dispensed by the orifice remains in the dish.

Hoyt discloses a collapsible container 10 comprising a pouch formed by two sheets 16, 18 which are joined together. Hoyt also discloses an upper portion or an insert 14 which includes a dispensing opening 28. The two sheets define a cavity 20 in which the insert is mounted. As clearly seen in the figures, the insert upwardly projects from the two sheets so as to form the shoulder and neck of the container. There is no recovery dish and any fluid product dispensed cannot be held in a recovery dish by the user. Instead, when a fluid product is dispensed by Hoyt, it merely flows through the opening and onto the user. It is not held in a recovery dish of any kind.

Additionally, the insert protrudes from a pouch formed by the two sheets 16, 18 and therefore can not be assimilated into a concave portion which would form a recovery dish.

Accordingly, claim 1 and its dependents are allowable over Hoyt.

2. Claims 1 And 7-12 In View Of Richter et al. (USP 4,998,990).

Like Hoyt, Richter at least fails to disclose a dispensing orifice formed at the bottom of a concave recovery dish and that fluid is dispensed by the orifice remains in the dish.

Richter discloses a collapsible bag for containing and dispensing liquids. This bag includes two flexible bag walls 20, 22 joined at their peripheries. A spout 24 defining a spout opening 30 is connected to one bag wall. The spout opening is not formed at the bottom of a structure forming a concave surface. Instead the spout protrudes from the bag so that Richter fails to teach a concave structure. Additionally, there is nothing that can be considered a recovery dish at all. Fluid which is dispensed in Richter does not remain in any structure so that it can be recovered by the user, and certainly does not have a concave recovery dish as claimed.

Accordingly, at least because Richter does not disclose a concave structure and does not teach a recovery dish allowing the liquid to be recovered after it is dispensed, claim 1 and its dependents are allowable over Richter.

3. Claims 1 And 7-12 In View Of Frazier et al. (USP 6,179,173).

Finally, Frazier, like Hoyt and Richter, also at least fails to disclose a dispensing orifice formed at the bottom of a concave recovery dish and a recovery dish so that fluid dispensed by a dispensing orifice remains in the dish.

Frazier discloses a bag comprising a flexible pouch provided with a spout 100 defining a dispensing aperture. There is no concave structure in Frazier. Additionally, there is no recovery dish so that a dispensed fluid remains in the dish. Since Frazier lacks a recovery dish or a concave structure at all, it certainly lacks a dispensing orifice formed at the bottom of a concave recovery dish so that dispensed fluid remains in the dish, as claimed. Accordingly, claim 1 and its dependents are allowable over Frazier.

Furthermore, there is no motivation or suggestion in the cited references for providing a concave recovery dish as claimed.

New Claims

Applicants are adding new claims 14-22 for additional claim coverage merited by the scope of the invention. New claim 14 is allowable over the cited references at least because it sets forth a recovery dish formed at the outlet of the dispensing orifice so that fluid dispensed through the orifice remains in the dish. Claims 15-22 depend from claim 14 and are therefore allowable at least because of their dependency.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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